

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2621 OF 2005

Kuvar Gautam Prasad Singh @
Monto Singh ...Applicant
Versus
State of Maharashtra ...Respondent

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Mr.Prakash Naik i/b Mr.Vipin Kamdi for Applicant.
Ms.M.M.Deshmukh, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.
NOVEMBER 28, 2005.

P.C.

1. Counsel for the Applicant fairly submits that the argument of the Applicant that there is absolutely no legal evidence against the Applicant, except the confessional statement of co-accused, which by itself, cannot be the basis to proceed against the Applicant. This contention can be pressed into service before the Trial Court and this Court will have the advantage of the opinion of the Trial Court with regard to any other

material on record, if any.

2. In this backdrop, Counsel for the Applicant seeks liberty to withdraw the present Application, with liberty to file appropriate application before the Trial Court with request to direct the Trial Court to decide the same as expeditiously as possible, as charge-sheet is already filed by the investigating agency on record.

3. Accordingly, application is dismissed as withdrawn, with liberty to the Applicant to move the Trial Court for appropriate relief, as may be advised and permissible by law and if such application is filed, the same be decided on its own merits in accordance with law, as expeditiously as possible, preferably within four weeks from the institution of the application. All questions are left open.

4. Learned A.P.P. assures that no adjournment will be sought, unless it is absolutely necessary before the Trial Court, so as to

facilitate early disposal of the application.

5. Applicant not to be arrested for a period of three weeks from today.

A.M.KHANWILKAR, J.